

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, February 13, 1871. }

Senate met pursuant to adjournment; President Don Campbell in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

Message from the Governor by his private secretary, as follows:

EXECUTIVE OFFICE,
AUSTIN, February 11, 1871.

The honorable Senate and House of Representatives of Texas:

GENTLEMEN: The representatives of the Texas and New Orleans Railroad, having paid into the Treasury the installment of interest and sinking fund due from that road on the first of November last, under the act of August 13, 1870, and those representatives also being willing to pay all expenses of advertising said road for sale, I recommend the passage of a resolution to authorize me to suspend the sale of the same, advertised to take place on the fourteenth instant.

Very respectfully,

EDMUND J. DAVIS,
Governor.

On motion of Senator Ruby, the reading of journal of Friday was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Judiciary:

COMMITTEE ROOM,
AUSTIN, February 11, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 57, to be entitled "An act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas, when one or more of the judges may be disqualified by having presided at the trial of such cases in the district courts, or from any other cause, ask leave to report the same back and recommend its passage, with the accompanying amendment.

A. J. FOUNTAIN.
Chairman.

Amendment to Senate bill No. 57:

Amend section second by striking out all after the word "account," in line nine, and inserting the words "and draw his warrant upon the Treasurer for the same."

Read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, February 11, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom were referred Senate bills Nos. 49, entitled "An act transferring the settlement of the estate of James H. Leaverton, deceased, from the District Court of Anderson county to the District Court of Houston county;" 54, "An act to repeal the third section, and to amend the second section of 'An act to regulate the sale of lands under the decrees of courts, approved August 13, 1870;'" and 59, to be entitled "An act to amend 'An act prescribing the times of holding the courts in the several judicial districts in the State, approved August 10, 1870,'" have instructed me to report the same back and recommend their passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read and laid over under the rules.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, February 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 19, entitled "An act to incorporate the Citizens' Savings' Bank of Jefferson," have duly considered the same, and recommend its passage with the following amendments, to-wit:

Amend section four, in line two, by striking out the word "twenty," and inserting the word "fifty;" and in line fifteen, by striking out the word "five," and inserting the word "ten."

Amend section eight, in line two, by striking out the word "twenty," and inserting the word "fifty."

Amend section nine, in line six, by inserting after the word "them" the words "which they themselves have deposited."

S. W. FORD,
Chairman.

Report read, and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, February 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 33, entitled "An act to incorporate the Jefferson Insurance Company," have duly considered the same, and herewith report it back recommending its passage.

S. W. FORD,
Chairman.

Report read, and laid over under the rules.
Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, February 7, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 135, to be entitled "An act for the employment of a clerk in the Pension Bureau of the Comptroller's Office," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,

Report read and received.

The Secretary carried Senate bill No. 135 to the House for concurrence.

Message from the House by Chief Clerk, transmitting the following House bills, asking the Senate to concur in the same:

House bill No. 3, "An act to incorporate the Alamo Literary Society of the city of San Antonio."

Also, House bill No. 5, "An act to incorporate the town of Centreville, Leon county."

Also, House bill No. 12, "An act to incorporate the town of Kosse, Limestone county."

Also, House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county."

Also, House bill No. 13, "An act to incorporate the Gymnastic Association of Yorktown."

Also, House bill No. 14, "An act to incorporate the Casino Society of Victoria."

Also, House bill No. 15, "An act to incorporate the Casino Society of Yorktown."

Also, House bill No. 19, "An act to incorporate the Indiana Dredging Company, as herein specified."

Also, House bill No. 20, "An act to incorporate the Casino Society of Indianola."

Also, House bill No. 21, "An act to incorporate the Mission Valley Pontoon Bridge Company."

Also, House bill No. 23, "An act to amend an act granting to James L. Tarver, the privilege of constructing a ferry across Big Cypress, approved October 1, 1866."

Also, House bill No. 25, "An act to incorporate a Gymnastic Association at New Braunfels, under the name and style of Turnverein, New Braunfels."

Also, House bill No. 27, "An act for the relief of Judge M. B. Walker of the Supreme Court."

Also, House bill No. 28, "An act to amend an act entitled an act to adopt and establish a Penal Code for the State of Texas, approved August 26, A. D., 1856."

Also, House bill No. 37, "An act to amend an act entitled an act to establish a State Police, and provide for the regulation of the same," approved July 1, 1870.

Also, House bill No. 64, "An act to authorize the County Court of Washington county, to levy a special tax for building a jail at the county seat."

Also, House bill No. 234, "An act to cede to and confer upon the city of Indianola, all the right, title and interest of the State in and to the flats adjacent to said city in the waters of Matagorda Bay, in trust for the purposes and upon the conditions herein specified."

Also, House joint resolution No. 15, "authorizing the Governor to receive from the Texas and New Orleans Railroad Company, or the present representatives thereof, the amount of interest due the Special School Fund on the first day of November, 1870, under the provision of an act entitled "An act for the relief of railroad companies indebted to the State for loans from the Special School Fund, approved August 13, 1870."

On motion of Senator Parsons, the rules were suspended to take from file House joint resolution No. 15, and read first time.

On motion of Senator Bowers, the rules were further suspended, House joint resolution No. 15 read second time.

On motion of Senator Parsons, it passed to its third reading.

On motion of Senator Flanagan, the rules were further suspended and House joint resolution No. 15 read third time, and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dillard, Doherty, Douglass, Evans, Flanagan, Ford, Fountain, Gaines, Hertz-

berg, Hillebrandt, Latimer, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Shannon—24.

Nays—Braughton, Mills, Pyle—3.

Secretary carried to the House, House joint resolution. No. 15, with the action of the Senate.

Report of Committee on Education :

COMMITTEE ROOM,

AUSTIN, February 13, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was recommitted Senate bill No. 47, entitled "An act to incorporate the Lamar Female Seminary," have had the same under consideration, and I am instructed to report it back to the Senate, and recommend that it do pass.

Very respectfully,

E. PETTIT,
Chairman.

Report read, and laid over under the rules.

Senator Douglass rose to a question of privilege to call up the report of the Committee on Privileges and Elections, and resolution declaring the office of Sergeant-at-Arms vacant.

The President decided it not to be a question of privilege.

Senator Douglass appealed from the decision of the Chair.

Pending discussion,

Message from the House by Chief Clerk, transmitting House bill No. 55, "An act to amend an act entitled 'An act to adopt and establish a Penal Code for the State of Texas, approved August 26, A. D. 1856,'" and to repeal an act entitled "An act to amend articles 412 and 418 of 'An act to adopt and establish a Penal Code for the State of Texas, approved December 16, A. D. 1863 ;'"

Also, "House bill No. 165, "An act for the relief of the estate of Thomas Carothers, deceased."

The question recurring on the appeal, the yeas and nays were called for.

Pending call of the roll, by leave of the Senate, Senator Douglass withdrew his motion for an appeal from the decision of the chair.

Senator Parsons moved a suspension of the rules to consider the report of the Committee on Privileges and Elections, and the resolution declaring the office of Sergeant-at-Arms vacant, which motion was adopted.

Rules suspended, majority and minority reports of Committee on Privileges and Elections read.

Senator Bell moved the adoption of the minority report and the following resolution :

Resolved, That the present Sergeant-at-Arms, now in office, hold his office for the time being.

Senator Flanagan moved the adoption of the resolution reported by the majority of the Committee on Privileges and Elections, as follows :

Resolved, That the office of Sergeant-at-Arms be declared vacant.

Yeas and nays called for and resulted as follows :

Yeas—Baker, Bowers, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pyle, Rawson, Shannon—12.

Nays—Mr. President, Bell, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pridgen, Ruby—11.

Carried.

Senator Bowers moved to go into an election for Sergeant-at-Arms.

Senator Hillebrandt's name being omitted in the calling of the role on the ballot for the adoption of the resolution by the Committee on Privileges and Elections, he rose and asked that his vote be recorded.

The President decided the Senator had a right to record his vote.

Senator Douglass appealed from the decision of the chair, and made the point of order that the Senator could not record his vote without the consent of the Senate, the result having been announced, and a motion being before the Senate to go into the election of Sergeant-at-Arms.

Senator Rawson moved to adjourn until eleven o'clock A. M. tomorrow.

Yeas and nays called for, and lost by the following vote :

Yeas—Fountain, Mills, Pridgen, Rawson—4.

Nays—Mr. President, Baker, Bell, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Ford, Gaines, Hertzberg, Hillebrandt, Latimer, Parsons, Pettit, Pyle, Ruby, Shannon—21.

The question recurring upon the appeal from the decision of the Chair, the yeas and nays were called for, and the decision of the Chair was sustained by the following vote :

Yeas—Bell, Ford, Fountain, Gaines, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby—12.

Nays—Baker, Bowers, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pyle, Shannon—11.

Senator Hillebrandt then recorded his vote, voting nay.

The vote on the adoption of the resolution declaring the office of

the Sergeant-at-Arms vacant being yeas 12, nays 12, the motion to adopt was lost.

Senator Bell moved to adjourn to 11, A. M., to-morrow; the yeas and nays were called for, and carried by the following vote:

Yeas—Baker, Bell, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Mills, Pyle, Rawson, Shannon—15.

Nays—Mr. President, Ford, Fountain, Gaines, Hertzberg, Hillebrandt, Parsons, Pettit, Pickett, Pridgen, Ruby, Saylor—12.

So the Senate adjourned to 11, A. M., to-morrow.
